

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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WILLIAM JAMIES WAGNER,

Plaintiff,

Case No. 1:23-cv-1329

v.

Honorable Ray Kent

UNKNOWN HOLLINGSWORTH et al.,

Defendants.

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**ORDER**

This is a civil rights action under 42 U.S.C. § 1983 brought by a person who, at the time of filing, was a state prisoner. Plaintiff was paroled from prison shortly after he filed this suit. In *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997), the Sixth Circuit Court of Appeals considered how release from prison might impact a prisoner's obligation to pay the filing fee under the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996). The Sixth Circuit held that "[a]fter release, the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status." *McGore*, 114 F.3d at 613. Thus, this Court must determine whether pauper status is available to Plaintiff, a released prisoner. Accordingly,

**IT IS ORDERED** that Plaintiff shall, within fourteen days of the date of this Order, submit either a properly completed and signed application to proceed in district court without prepaying fees or courts (long form) or the filing fees of \$405.00.<sup>1</sup> The Clerk shall mail to Plaintiff a copy of

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<sup>1</sup> The civil filing fee is \$350. 28 U.S.C. § 1914(a). Under § 1914(b) and the Schedule of Fees set out following the statute, an administrative fee of \$55 for filing any civil case also is required. *See* <https://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule>.

the application to proceed in district court without prepaying fees or courts (long form) along with this Order.

**IT IS FURTHER ORDERED** that Plaintiff's failure to timely submit either the affidavit or the filing fee payment may result in dismissal of this action without prejudice for failure to follow the Court's order and want of prosecution.

Dated: September 17, 2024

/s/ Ray Kent  
Ray Kent  
United States Magistrate Judge

**SEND REMITTANCES TO:**

Clerk, U.S. District Court  
399 Federal Bldg.  
110 Michigan St., N.W.  
Grand Rapids, MI 49503

**All checks or other forms of payment shall be payable to "Clerk, U.S. District Court" and must indicate the case number in which the payment is made.**